

Attachment 1 –
Worksheet: Documentation of Land Use Plan
Conformance and NEPA Adequacy (DNA)

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U.S. Department of the Interior
Bureau of Land Management (BLM)

A. Description of the Proposed Action

The Proposed Action is to excavate and move to an on-site repository approximately 130,000 cubic yards of waste oil shale, composed of spent (retorted) shale and raw shale fines (excluded from the retorting process). This action will remove the potential for contaminants (iron, manganese, sulfate, and arsenic) in the shale material from entering the nearby West Sharrard Creek, a tributary to the Colorado River, via ground- and surface water. Moving the shale pile will also prevent the possibility of it slumping into the West Sharrard Creek gulch. This action is being conducted in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), sections of the National Contingency Plan (NCP) applicable to removal actions (30 CFR § 300.415(b)(4)(I).

The shale pile is located within the boundary of Naval Oil Shale Reserve (NOSR) Number 3, approximately 7 miles west of Rifle, Colorado in Section 17, T6S, R94W, 6th PM (Latitude 39° 31' 15"N, Longitude 107°55' 00"W). Two alternative repository sites are proposed: 1) the former plant site is located just west of the described shale pile location; 2) the former DOE water disposal site is located in the SE1/2 Section 32, T6S, R95W.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name	Date Approved
Glenwood Springs Resource Area Record of Decision and Resource Management Plan (RMP)	1988
Glenwood Springs Resource Area, Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (FSEIS)	1999
Draft Roan Plateau Planning Area, Including Former Naval Oil Shale Reserves Numbers 1 and 3, Resource Management Plan Amendment and Environmental Impact Statement	Currently in 90-day public comment period

The recommended action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The Glenwood Springs Resource Area Resource Management Plan (RMP) is the current land use plan for the larger vicinity of the APF. However, as this plan does not specifically address former Naval Oil Shale Reserves (NOSRs) Numbers 1 and 3, this RMP is not applicable to the APF. The most current active land use plan for the APF area is the Glenwood Springs Resource Area Oil and Gas Leasing and Development Final Supplemental Environmental Impact Statement (FSEIS). Again, this document is limited in its applicability to the APF by solely addressing oil and gas leasing and does not specifically address hazardous waste management. A number of land use stipulations are applied to oil and gas activities in the vicinity of the shale pile and two potential repository sites. These are listed in Table B-1 under Alternative I (No-Action) along with the exception criteria for each.

Because these criteria are appropriate to the recommended remedial action, it will not be in conflict with any land use stipulations for specific resources in the FSEIS, or otherwise be inconsistent with any aspects of this plan.

The DRAFT RMPA/EIS includes the NOSRs for all management activities and provides updated Affected Environment information for these areas. All five alternatives in this plan include reclamation of the shale pile and DOE facilities. A number of land use stipulations are applied to all ground-disturbing activities in the vicinity of the shale pile and two potential repository sites. These are listed in Table B-1 along with the exception criteria for each. Because these criteria are appropriate to the recommended remedial action, it will not be in conflict with any land use stipulations for specific resources in the Draft RMPA/EIS and no aspect of the recommended action should preclude any management options analyzed in any of the five alternatives being considered.

C. Identify the applicable NEPA document(s) and other related documents that cover the Proposed Action.

Colorado Department of Public Health and Environment (CDPHE) 2000. Site evaluation for the Anvil Points Facility Waste Shale Pile, Colorado. CDPHE Hazardous Materials and Waste Management Division. October 16.

Ecology & Environment (E&E). 2004a. Draft preliminary assessment. Anvil Points Facility and the Former Naval Oil Shale Reserve #3. April 30.

Ecology & Environment (E&E). 2004b. Draft Engineering Evaluation /Cost Analysis (EE/CA) for waste shale and impoundments. United States Naval Oil Shale Reserves 1 and 3 Anvil Points Facility. November.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is part of that action) as previously analyzed?

Yes. However, a complete analysis of the action is not included in the DRAFT RMPA/EIS due to lack of specific information later provided in the documents listed in Section C. A NEPA analysis of impacts is provided in the EE/CA (E&E 2004b).

2. Is the range of alternative analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes, the EE/CA document analyzes an appropriate range of alternatives given the CERCLA designation of the project site and the resulting purpose and need to remediate the site. Three alternatives were considered, including a No-action. No additional concerns or circumstances have arisen to require new alternatives.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances?

Yes.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Yes.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes

7. Are the public involvement and interagency review associated with the existing NEPA document(s) adequate for the current proposed action?

Yes

- E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name

Title

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plans and that the existing NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. NOTE: if one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made this box cannot be checked.

Signature of the Responsible Official

Date

Table B-1. Potentially applicable land use stipulations and exception criteria to proposed oils shale pile relocation sites. By Draft RMPA/EIS alternatives¹.

Proposed Relocation Site	Stipulation	Exception or Modification Criteria
Alternative I (All stipulations from FSEIS apply to oil and gas leasing only)		
Former DOE Water Disposal Site	<i>CSU 5 - VRM Class II Areas</i>	BLM may determine that the level of protection available under a CSU stipulation is not required to meet VRM Class II objectives based on present soil stability and productivity and on site-specific conditions, visibility of the site; the type, amount, and duration of the associated impacts; and the effectiveness of standard stipulations in a given situation.
Former Plant Site	<i>NSO 7- Raptor Nesting Areas</i>	An exception or modification may be granted (a) if BLM determines, following consultation with CDOW, that the specific activity or requested change would not impair behaviors, habitat use and quality, and reproductive success of raptor species present within the specific NSO area; (b) the activity would have a duration within the buffer zone of an active nest of less than one day; and (c) no suitable alternative is available. BLM's determination would consider the vegetation, topography, existing habitat impacts, and other site-specific or activity-specific factors and the amount, type, and exact location of the surface disturbance in relation to the nest and vegetation or topographic screening.
	<i>NSO 18 - I-70 Viewshed</i>	An exception or modification may be granted if protective measures can be designed to accomplish VRM Class II objectives, viz., that the overall landscape character is retained on a site-specific and cumulative basis. Such measures would be designed to blend the disturbance with the natural landscape.
	<i>CSU 3 - BLM Sensitive Species</i>	BLM may determine that the level of protection available under a CSU stipulation is not required to ensure the values associated with occupied habitat or ecological functioning needed to support BLM sensitive species are adequately protected. BLM's determination would be based on site-specific conditions, species-specific behaviors and habitat requirements, and the type, amount, and duration of the associated impacts.

Alternative II (All stipulations apply to all ground disturbing activities)		
Former DOE Water Disposal Site	SSR/CSU 5 - VRM Class II Areas	BLM may determine that the level of protection available under a CSU stipulation is not required to meet VRM Class II objectives based on preserve soil stability and productivity and on site-specific conditions, visibility of the site; the type, amount, and duration of the associated impacts; and the effectiveness of standard stipulations in a given situation.
	NGD/NSO P-1 - Occupied Habitat for Sensitive Plants and Significant Plant Communities	An exception may be granted if BLM determines that (a) the requested activity would not impair values associated with sensitive plants or significant plant communities; (b) any lost vegetation would be replaced with the same or similar species within 3 to 5 years; and (c) no suitable alternative is available. The stipulation may be modified if the proponent demonstrates through monitoring studies or other scientifically reliable method that an NSO is not needed to achieve specified resource protection.
Former Plant Site	NGD/NSO V-2 - VRM Class I Areas	An exception or modification may be granted if BLM determines that the basic landscape elements (line, form, color, and texture) would be retained and that any modifications would appear natural and would not be evident.
	NGD/NSO 7 - Raptor Nesting Areas	An exception or modification may be granted (a) if BLM determines, following consultation with CDOW, that the specific activity or requested change would not impair behaviors, habitat use and quality, and reproductive success of raptor species present within the specific NSO area; (b) the activity would have a duration within the buffer zone of an active nest of less than one day; and (c) no suitable alternative is available. BLM's determination would consider the vegetation, topography, existing habitat impacts, and other site-specific or activity-specific factors and the amount, type, and exact location of the surface disturbance in relation to the nest and vegetation or topographic screening.
	NGD/NSO 18 - I-70 Viewshed	An exception or modification may be granted if protective measures can be designed to accomplish VRM Class II objectives, viz., that the overall landscape character is retained on a site-specific and cumulative basis. Such measures would be designed to blend the disturbance with the natural landscape.
	SSR/CSU 3 - BLM Sensitive Species	BLM may determine that the level of protection available under a CSU stipulation is not required to ensure the values associated with occupied habitat or ecological functioning needed to support BLM sensitive species are adequately protected. BLM's determination would be based on site-specific conditions, species-specific behaviors and habitat requirements, and the type, amount, and duration of the associated impacts.

Alternatives III and IV (All stipulations apply to all ground disturbing activities)		
Former DOE Water Disposal Site	SSR/CSU 5 - VRM Class II Areas	BLM may determine that the level of protection available under a CSU stipulation is not required to meet VRM Class II objectives based on preserve soil stability and productivity and on site-specific conditions, visibility of the site; the type, amount, and duration of the associated impacts; and the effectiveness of standard stipulations in a given situation.
Former Plant Site	NSO P-1 - Occupied Habitat for Sensitive Plants and Significant Plant Communities	An exception may be granted if BLM determines that (a) the requested activity would not impair values associated with sensitive plants or significant plant communities; (b) any lost vegetation would be replaced with the same or similar species within 3 to 5 years; and (c) no suitable alternative is available. The stipulation may be modified if the proponent demonstrates through monitoring studies or other scientifically reliable method that an NSO is not needed to achieve specified resource protection.
	NGD/NSO 7 - Raptor Nesting Areas	An exception or modification may be granted (a) if BLM determines, following consultation with CDOW, that the specific activity or requested change would not impair behaviors, habitat use and quality, and reproductive success of raptor species present within the specific NSO area; (b) the activity would have a duration within the buffer zone of an active nest of less than one day; and (c) no suitable alternative is available. BLM's determination would consider the vegetation, topography, existing habitat impacts, and other site-specific or activity-specific factors and the amount, type, and exact location of the surface disturbance in relation to the nest and vegetation or topographic screening.
	NGD/NSO 18 - I-70 Viewshed	An exception or modification may be granted if protective measures can be designed to accomplish VRM Class II objectives, viz., that the overall landscape character is retained on a site-specific and cumulative basis. Such measures would be designed to blend the disturbance with the natural landscape.
	SSR/CSU 3 - BLM Sensitive Species	BLM may determine that the level of protection available under a CSU stipulation is not required to ensure the values associated with occupied habitat or ecological functioning needed to support BLM sensitive species are adequately protected. BLM's determination would be based on site-specific conditions, species-specific behaviors and habitat requirements, and the type, amount, and duration of the associated impacts.
	SSR/CSU 5 - VRM Class II Areas	BLM may determine that the level of protection available under a CSU stipulation is not required to meet VRM Class II objectives based on preserve soil stability and productivity and on site-specific conditions, visibility of the site; the type, amount, and duration of the associated impacts; and the effectiveness of standard stipulations in a given situation.

Alternative V (All stipulations apply to all ground disturbing activities)		
Former DOE Water Disposal Site	<i>No applicable stipulations</i>	
Former Plant Site	<i>NSO P-1 - Occupied Habitat for Sensitive Plants and Significant Plant Communities</i>	An exception may be granted if BLM determines that (a) the requested activity would not impair values associated with sensitive plants or significant plant communities; (b) any lost vegetation would be replaced with the same or similar species within 3 to 5 years; and (c) no suitable alternative is available. The stipulation may be modified if the proponent demonstrates through monitoring studies or other scientifically reliable method that an NSO is not needed to achieve specified resource protection.
	<i>NGD/NSO 7 - Raptor Nesting Areas</i>	An exception or modification may be granted (a) if BLM determines, following consultation with CDOW, that the specific activity or requested change would not impair behaviors, habitat use and quality, and reproductive success of raptor species present within the specific NSO area; (b) the activity would have a duration within the buffer zone of an active nest of less than one day; and (c) no suitable alternative is available. BLM's determination would consider the vegetation, topography, existing habitat impacts, and other site-specific or activity-specific factors and the amount, type, and exact location of the surface disturbance in relation to the nest and vegetation or topographic screening.
	<i>SSR/CSU 3 - BLM Sensitive Species</i>	BLM may determine that the level of protection available under a CSU stipulation is not required to ensure the values associated with occupied habitat or ecological functioning needed to support BLM sensitive species are adequately protected. BLM's determination would be based on site-specific conditions, species-specific behaviors and habitat requirements, and the type, amount, and duration of the associated impacts.

1. Abbreviations used in table are defined as:
 - NSO – No Surface Occupancy. Applies to oil and gas leasing. Precludes permanent structures or long-term ground-disturbing activities (i.e., lasting longer than two years).
 - NGD – No Ground Disturbance. Analogous to NSO for application to activities other than oil and gas leasing.
 - CSU – Controlled Surface Use. Applies to oil and gas leasing. Use and occupancy are allowed but identified resource values require special operational constraints. This may include relocating a structure or action by more than 200 meters to protect a specific resource.
 - SSR - Analogous to CSU for application to activities other than oil and gas leasing.